

WEDNESDAY, APRIL 12, 1995

THIRTY-SECOND LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by the Reverend Johnny James, Pleasant Grove Baptist Church, Covington, Tennessee, guest of Speaker Naifeh.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 93

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Boyer; business reasons.

Representative Odom; personal reasons.

Representative Kent; family illness.

Representative Garrett; personal reasons.

PRESENT IN CHAMBER

Representative(s) Robinson was/were recorded as being present in the Chamber.

**SPONSORS ADDED**

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 20: Rep(s). Patton and Turner(Hamilton) as prime sponsor(s).

House Bill No. 107: Rep(s). Langster as prime sponsor(s).

House Bill No. 205: Rep(s). Williams (Williamson) as prime sponsor(s).

House Bill No. 513: Rep(s). Langster as prime sponsor(s).

House Bill No. 651: Rep(s). Bittle, Ridgeway, Hargrove, White and Fitzhugh as prime sponsor(s).

House Bill No. 747: Rep(s). Langster as prime sponsor(s).

House Bill No. 1236: Rep(s). Head, Cole (Dyer) as prime sponsor(s).

House Bill No. 1387: Rep(s). Stamps as prime sponsor(s).

House Bill No. 1750: Rep(s). Rhinehart as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Beavers was/were removed as sponsor(s) of House Bill No. 1802.

On motion, Rep(s). Beavers was/were removed as sponsor(s) of House Bill No. 1803.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 11, 1995**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 132, 175, 348, 782, 853, 1097, 1847, 1855, 1857, 1858, 1859 and 1863; also, House Joint Resolution(s) No(s). 187, 188, 189, 190, 191, 192, 194, 195, 196 and 197.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 11, 1995**

The Speaker signed the following: Senate Bill(s) No(s). 62, 409, 669, 730, 761 and 1425; also, Senate Joint Resolution(s) No(s). 139, 140, 143, 144, 145 and 146.

**ENROLLED BILLS**  
**April 11, 1995**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 91, 200, 201, 211 and 212.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**April 11, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 91, 200, 201, 211 and 212.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 12, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1845, 1849 and 1850; also, House Joint Resolution(s) No(s). 88, 181, 182, 183 and 184; with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**April 12, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 952, per your request.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**April 12, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 91, 200, 201, 211 and 212; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 97, 130, 148, 149, 150, 153 and 159; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 12, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 19, 307, 515, 758, 833, 1144, 1265, 1466, 1613, 1626 and 1660; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**INTRODUCTION OF RESOLUTIONS**

**WEDNESDAY, APRIL 12, 1995 -- THIRTY-SECOND LEGISLATIVE DAY**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Resolution No. 45** -- Naming and Designating -- "Elks Week in Nashville," April 21- 26, 1995. by \*Pruitt.

Calendar and Rules Committee

**\*House Joint Resolution No. 217** -- Naming and Designating -- W.D. "Bill" Manning, former Commissioner of Veterans Affairs, new state veterans' home. by \*Phelan.

State and Local Government Committee

**\*House Joint Resolution No. 219** -- General Assembly, Studies -- Urges THEC, U.T. board of trustees and board of regents to study articulation of two year and four year institutions. by \*Ramsey.

Education Committee

**House Joint Resolution No. 220** -- Naming and Designating -- "Arbor Day," "Earth Day," April 22, 1995. by \*Ramsey, \*Venable.

State and Local Government Committee

**House Joint Resolution No. 221** -- Naming and Designating -- Adopts "The Pride of Tennessee" as official state song. by \*Windle, \*Buck, \*Fowlkes, \*Givens, \*Rigsby, \*Jones R (Shelby), \*Gunnels, \*Callicott, \*Walley, \*Venable.

State and Local Government Committee

**\*House Joint Resolution No. 223** -- General Assembly, Studies -- Creates special joint committee to study Uniform Probate Code. by \*Purcell, \*Buck, \*Williams (Williamson), \*Jackson, \*Fowlkes, \*Cole (Dyer).

Judiciary Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 13, 1995:

**House Resolution No. 46** -- Memorials, Personal Occasion -- Mr. and Mrs. L.C. Brown, 50th wedding anniversary. by \*Cole (Carter).

**House Resolution No. 47** -- Memorials, Recognition and Thanks -- Shadowlawn Middle School Band, governor's inauguration participants. by \*Joyce.

**House Resolution No. 48** -- Memorials, Public Service -- Sue Darrell. by \*Peach.

**House Resolution No. 49** -- Memorials, Recognition and Thanks-- Jefferson Farmers COOP, 50th Anniversary. by \*Roach.

**House Joint Resolution No. 222** -- Memorials, Recognition and Thanks -- Memphis Queen Line. by \*Jones R (Shelby).

**House Joint Resolution No. 225** -- Memorials, Death -- Theodore F. Wagner, Sr. by \*Cantrell.

**House Joint Resolution No. 226** -- Memorials, Sports -- Coach Charles M. "Bubber" Murphy, MTSU. by \*Bragg, \*Eckles.

#### RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 58** -- General Assembly, Directed Studies -- Directs department of finance and administration to conduct study relative to increased utilization of home and community-based long-term care services as alternatives to nursing home care. by \*Henry, \*Cohen.

Health and Human Resources Committee

**\*Senate Joint Resolution No. 122** -- Memorials, Congress -- Urges Congress and department of energy to actively support and fund Oak Ridge Centers for Manufacturing Technology. by \*McNally.

State and Local Government Committee

**Senate Joint Resolution No. 154** -- Naming and Designating -- "Upper Cumberland Drinking Water Month," May 1995. by \*Burks, \*O'Brien.

Health and Human Resources Committee

#### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1878** -- Spring Hill -- Subject to local approval, expands rights available to certain property owners by \*Napier, \*White.

#### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

**\*Senate Bill No. 12** -- Judicial Districts -- Creates one criminal court judge position, three assistant district attorney general positions and one criminal investigator position for 30th judicial district. Amends TCA Title 16, Chapter 2, Part 5 by \*Person, \*Leatherwood, \*Kyle.

**\*Senate Bill No. 941** -- Highways, Roads and Bridges -- Directs department of transportation to erect sound barrier fence at I40-E and Old Hickory Boulevard. by \*Haynes.

\*Senate Bill No. 1304 -- Cemeteries -- Purports to amend annual report requirements of cemetery companies and audit requirements; however, makes no substantive change in the law. Amends TCA 46-2-202, 205. by \*Ford J.

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1843 -- Appropriations -- House Finance, Ways & Means Committee

House Bill No. 1844 -- Bond Issues -- House Finance, Ways & Means Committee

House Bill No. 1867 -- Agriculture, Dept. of -- House Commerce Committee

House Bill No. 1877 -- Henry County -- Local Bill Held on House Desk

Pursuant to Rule No. 47, the following Caption Bill(s) held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 1441 -- Election Laws -- House State and Local Government Committee

\*House Bill No. 1520 -- Local Government, General -- House Finance, Ways and Means Committee

#### REPORTS FROM STANDING COMMITTEES

The committees that met on April 11, 1995 reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for April 13, 1995: House Bill(s) No(s). 1012, 1479, 53, 1494, 1198, 1128, 1002, 390, 1205, 1190, 359, 1412, 50 and 1081; also House Joint Resolution(s) No(s). 62.

The Committee set the following bills on the Regular Calendar for April 17, 1995: House Bill(s) No(s). 1455.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for April 17, 1995: House Bill(s) No(s). 1011, 1094, 12, 1655 and 1148.

#### COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 1649, 1531 and 1795; also House Bill(s) No(s). 695, 1511, 1086, 1179 and 1643; and House Joint Resolution(s) No(s). 50 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 111 and 1350 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 1481; also House Bill(s) No(s). 819 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 6; also House Bill(s) No(s). 343 and 476 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 437 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

#### HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Joint Resolution(s) No(s). 185; also House Bill(s) No(s). 726, 806, 1136 and 1053 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1195 and 1196. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1403, 1443, 1685, 629, 1731, 746, 1634, 1811, 1504, 1063, 1652 and 1363; and House Joint Resolution(s) No(s). 132, 173 and 98; also House Bill(s) No(s). 972, 1292, 222, 631, 1359, 32 and 1490 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1610, 577, 926, 1499, 1388, 1480 and 1485; also House Bill(s) No(s). 1510, 322 and 673 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### REPORTS FROM STANDING COMMITTEES

The committees that met on **April 12, 1995** reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 17, 1995**: House Bill(s) No(s). 503, 86, 97, 1215, 1216 and 835.

The Committee set the following bills on the **Regular Calendar** for **April 19, 1995**: House Bill(s) No(s). 1280, 1343 and 764.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 17, 1995**: House Bill(s) No(s). 95.

#### CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1278, 1527 and 85 and Senate Joint Resolution(s) No(s). 11 and 12; also House Bill(s) No(s). 836 and 1728 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 901; also House Bill(s) No(s). 1276 with

amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 33, 393, 339, 1751, 1787, 927 and 1090 and House Joint Resolution(s) No(s). 135, 128 and 129; also House Bill(s) No(s). 1391, 107, 165, 490, 1518, 1406, 1538, 808, 1608, 815, 514, 1788, 1078, 762, 385, 1536, 513 and 727 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 391, 1750, 1378 and 477; also House Bill(s) No(s). 30, 394, 795 and 985 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

#### CONSENT CALENDAR

**Senate Joint Resolution No. 151** -- Memorials, Recognition and Thanks -- Private Industry Council of Service Delivery Area #4 and Job Training Program of Roane State Community College. by \*O'Brien.

**Senate Joint Resolution No. 152** -- Memorials, Recognition and Thanks -- Reverend Verlon Moore, Hilldale Baptist Church, Clarksville. by \*Rice.

Rep. Coffey moved that all members voting aye on **Senate Joint Resolution No. 151** be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halsey, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**House Bill No. 1305** -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for graduates of Arkansas State University. Amends TCA Title 55, Chapter 4. by \*Hassell (\*SB1561 by \*Kyle).

Further consideration of House Bill No. 1305 previously considered on March 15, 1995, and March 22, 1995, and reset for today's Calendar.

Rep. Hassell moved that House Bill No. 1305 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

**House Bill No. 83** -- Motor Vehicles, Titling and Registration - - Permits alumnus of Auburn University to purchase special license plate displaying Auburn logo and colors. Amends TCA Title 55, Chapter 4. by \*Eckles (\*SB52 by \*Womack).

Further consideration of House Bill No. 83 previously considered on March 6, 1995, March 8, 1995 and March 22, 1995, and reset for today's Calendar.

Rep. Eckles moved that House Bill No. 83 be reset to the Calendar for Wednesday, April 26, 1995, which motion prevailed.

**House Bill No. 1236** -- Traffic Safety -- Purports to change certain highway speeding offenses by changing present law from is a Class C misdemeanor to shall be a Class C misdemeanor; makes speeding offenses in business, urban or residential districts Class B misdemeanor. Amends TCA Section 55-8-152 and 153. by \*Windle (\*SB1502 by \*Womack).

Further consideration of House Bill No. 1236, previously considered on March 27, 1995, and March 29, 1995, at which time the House was on the motion to adopt Amendment No. 1, and reset to today's Calendar.

Rep. Windle moved that House Bill No. 1236 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 886** -- Taxes -- Changes time period for notifying assessor and paying taxes after selling or terminating business from 15 to 20 days. Amends TCA Title 67, by \*Davis (\*SB414 by \*McNally).

Rep. Davis moved that House Bill No. 886 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 886 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-510, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) A motor vehicle dealer having previously titled and registered a motor vehicle in the dealership name for business use, and having paid the appropriate sales or use tax on such vehicle, shall be allowed a trade-in credit equal to the value of such vehicle against the purchase price of a new or used vehicle purchased or extracted from such dealer's inventory to be titled and registered as a replacement vehicle for business use and the sales tax shall be paid on the net difference.

It is the legislative intent that a dealer may purchase a vehicle from his dealership's inventory and receive the same trade-in credit as if he purchased the vehicle from the inventory of another dealer.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Davis moved that **House Bill No. 886**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 1  
Present and not voting ..... 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R.

(Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Peach -- 1.  
Representatives present and not voting were: Callicott, Fowlkes -- 2.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 886 and have this statement entered in the Journal: Rep(s). Peach.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 1079** -- Alcoholic Beverages -- Permits University of Memphis to serve alcoholic beverages in limited circumstances. Amends TCA Section 57-4-101 and Section 57-4-102. by \*Kent, \*DeBerry L (\*SB1313 by \*Cohen).

Speaker Naifeh moved that House Bill No. 1079 be reset to the Calendar for Thursday, April 13, 1995, which motion prevailed.

**House Bill No. 1103** -- Purchasing -- Increases threshold for sealed bid requirements to \$5,000 for local governments; requires comptroller approval of local government auditors. Amends TCA Title 5, Chapter 1, Part 2; 5-14-108; Title 5, Chapter 14, Part 2; 5-8-504; 6-56-306; Title 7, Chapter 3; Title 8, Chapter 15, Part 1; 8-4-112; 49-2-203; 54-7-112, 113. by \*Bragg, \*Kisber (\*SB1020 by \*Henry).

On motion, House Bill No. 1103 was made to conform with **Senate Bill No. 1020**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 1020 be passed on third and final consideration.

Rep. Jones R (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND Senate Bill No. 1020 by deleting from Section 10 the words and figures " Section 49-2-103(A) (4) (E) " , and by substituting instead the words and figures " Section 49-2-203(A) (4) (E) " .

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Bragg moved that **Senate Bill No. 1020**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1792** -- Unemployment Compensation -- Establishes procedures for charging employer's experience rating account in certain circumstances. Amends TCA 50-7-205(a), 207(c)(6), 403(d)(1). by \*Bittle, \*Bird, \*Sharp, \*Beavers, \*Patton, \*Wood, \*Duer, \*Coffey, \*Williams (Union), \*Newton, \*Kent, \*Cole (Carter), \*Kerr, \*Cantrell, \*Roach, \*Haley, \*Clabough, \*Ford S (SB1780 by \*Elsea, \*Rice, \*Atchley, \*McNally, \*Miller).

On motion, House Bill No. 1792 was made to conform with **Senate Bill No. 1780**; the Senate Bill was substituted for the House Bill.

Rep. Gunnels moved that Senate Bill No. 1780 be passed on third and final consideration.

Rep. Curtiss moved adoption of Amendment No. 1 as follows:

#### Amendment No. 1

AMEND Senate Bill No. 1780 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 50-7-303(a), is amended by adding the following new subdivision:

( ) If the commissioner finds that the claimant has left such claimant's most recent work either to avoid taking a drug or alcohol screening test, or after receiving a positive result to a drug or alcohol screening test.

On motion, Amendment No. 1 was adopted.

Rep. Gunnels moved that **Senate Bill No. 1780**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halsey, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisher, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1355** -- School Districts, Special -- Excludes from calculation used to reduce special school district taxes levied for bond interest and repayment, any portion of bond fund arising from sales tax or other sources than special school district tax. Amends TCA Title 49, Chapter 3, Part 10. by \*Bell, \*Davidson (\*SB1546 by \*Rochelle).

Rep. Davidson moved that House Bill No. 1355 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Davidson moved that **House Bill No. 1355** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0  
Present and not voting ..... 4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisher, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach,

Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Callicott, Haley, Whitson, Williams (Williamson) -- 4.

A motion to reconsider was tabled.

#### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 84** -- Hospitals and Health Care Facilities -- Requires nonresidential methadone treatment facility to obtain certificate of need Amends TCA Title 68, Chapter 11, Part 1. by \*Ramsey, \*Westmoreland, \*Venable, \*Givens, \*Patton, \*Hicks (\*SB26 by \*Holcomb, \*Miller, \*Wallace, \*Crowe).

On motion, House Bill No. 84 was made to conform with **Senate Bill No. 26**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that Senate Bill No. 26 be passed on third and final consideration.

Rep. Rhinehart moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ramsey moved that **Senate Bill No. 26** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	79
Noes .....	8
Present and not voting .....	2

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 79.

Representatives voting no were: Brooks, Brown, Chumney, DeBerry, J., DeBerry, L., Herron, Williams (Williamson), Mr. Speaker Naifeh -- 8.

Representatives present and not voting were: Armstrong, Miller -- 2.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 26 and have this statement entered in the Journal: Rep(s). Hicks.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 747** -- Health -- Requires that blood specimens withdrawn from patient in licensed health care facility be performed by registered nurse, licensed practical nurse, clinical laboratory technologist or technician, or certified and/or nationally registered phlebotomist. Amends TCA Title 68, Chapter 29, Part 122. by \*Pruitt (\*SB737 by \*Harper, \*McNally).

Further consideration of House Bill No. 747 previously considered on April 6, 1995, and reset for today's Calendar.

Rep. Pruitt moved that House Bill No. 747 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 747 by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

Provided, however, when blood is withdrawn from a patient in a home for the aged, nursing home, residential hospice, or recuperation center, or from a patient of a home care organization as these terms are defined in Section 68-11-201, the procedure must be performed by a trained phlebotomist, or a person who has been properly trained to draw blood and has been licensed in this state by the appropriate board for the respective health care profession of such person.

On motion, Amendment No. 1 was adopted.

Rep. Pruitt moved that **House Bill No. 747**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee,

McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**House Bill No. 302** -- Purchasing -- Establishes thresholds for use of competitive bidding in local governments with population over 150,000. Amends TCA Title 12, Chapter 3, Part 10. by \*West (\*SB295 by \*Haynes).

Further consideration of House Bill No. 302 previously considered on April 6, 1995, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

On motion, House Bill No. 302 was made to conform with **Senate Bill No. 295**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 295 be passed on third and final consideration.

Rep. West moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 295 by adding the following as a new subsection at the end of the amendatory language in Section 1 of the printed bill:

( ) The provisions of this section shall not supersede or be construed to supersede the provisions of Section 12-3-1001.

On motion, Amendment No. 1 was adopted.

Rep. West moved that **Senate Bill No. 295**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 295 and have this statement entered in the Journal: Rep(s). Hicks and Eckles.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 651** -- Jails, Local Lock-ups Enacts "Inmate Reimbursement to the County Act of 1995." Amends TCA Title 41. by \*Callicott, \*Westmoreland, \*Fowlkes, \*McDaniel, \*Williams (Williamson), \*Davidson, \*Coffey, \*Rigsby, \*Tindell, \*Kent, \*Kisber, \*Herron, \*McDonald, \*Haley, \*Ford S, \*Curtiss, \*Williams (Union), \*Joyce, \*Boyer (\*SB842 by \*Jordan, \*Holcomb, \*McNally, \*Miller).

Further consideration of House Bill No. 651, previously considered on April 10, 1995, at which time the House was on motion to adopt Amendment No. 1, and reset for today's Calendar.

Rep. Callicott moved that House Bill No. 651 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 651 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. (a) The provisions of Sections 4 through 12 of this act shall only apply in counties having a population in excess of two hundred fifty thousand (250,000) and in any county having a population of not less than eighty thousand (80,000) nor more than eighty-three thousand (83,000), all according to the 1990 federal census or any subsequent federal census, and in any other county if the county legislative body by resolution adopted by a two-thirds (2/3) vote elects to utilize such method to seek reimbursement as provided therein.

(b) All other counties shall be grouped by development districts established pursuant to Tennessee Code Annotated, Title 13, Chapter 14, Part 1. For such counties the comptroller shall develop guidelines and solicit proposals for the collection of expenses incurred by the county in relation to the charge or charges for which a person was sentenced to a county jail pursuant to the provisions of Section 4(a). The guidelines developed by the comptroller may, to the greatest extent possible, be based on the collection procedures established by this act or may utilize any other collection procedures and standards in the discretion of the comptroller. The guidelines for collection may be based on a statewide proposal, be limited to a proposal by development districts or be a combination of both. In developing the

proposals, the comptroller shall give consideration to awarding a contract to the person or entity based on a percentage of amount retained, competency or ability to perform, costs incurred in securing reimbursement or be based on any other criteria developed by the comptroller. The contract awarded by the comptroller shall be a two (2) year contract.

(c) The reimbursements secured under such contracts, less the fee for collection, shall be deposited into the state general fund and, at least annually, shall be distributed to the general fund of the county in which the inmate was incarcerated. Such funds may be used for any lawful purpose.

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. McAfee moved the previous question, which motion prevailed by the following vote:

Ayes .....	76
Noes .....	9

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bragg, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood -- 76.

Representatives voting no were: Bell, Brooks, Brown, Jones, R. (Shelby), Miller, Rinks, Shirley, Towns, Turner (Shelby) -- 9.

Rep. Callicott moved that **House Bill No. 651**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	83
Noes .....	6
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Patton, Peach, Phillips, Pinion, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable,

Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Bowers, Brooks, Brown, Jones, R. (Shelby), Rhinehart, Turner (Shelby) -- 6.

Representatives present and not voting were: Miller -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 651 and have this statement entered in the Journal: Rep(s). Kerr.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 1324** -- Probate Law -- Permits use of printed statements rather than canceled checks in situations in which estate's personal representative is bank, savings and loan association or credit union and in situations in which financial institution used does not return canceled checks; clarifies the types of fiduciaries who may disclaim interest in gift or who may be beneficiary. Amends TCA Title 30; 30-2-601; Title 31; 31-1-103; Title 34; 34-6-203; Title 35; 35-50-107; Titles 45, 67; 45-3-514; 45-4-405; 67-2-110; 67-4-409. by \*Fowlkes (\*SB371 by \*Cohen).

Further consideration of House Bill No. 1324 previously considered on April 10, 1995, and reset for today's Calendar.

On motion, House Bill No. 1324 was made to conform with **Senate Bill No. 371**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 371 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

#### Amendment No. 2

AMEND Senate Bill No. 371 by deleting Senate Judiciary Amendment No. 1 in its entirety and by substituting instead the following:

by deleting from subsection (e)(i) of the amendatory language of Section 1 the words " or credit union" wherever they appear.

AND FURTHER AMEND by deleting Section 3 of the printed bill in its entirety.

AND FURTHER AMEND by deleting Section 5 of the printed bill in its entirety and by substituting instead the following:

Section 5. Tennessee Code Annotated, Section 35-50-107(a)(1), is amended by deleting the language " or" in the fifth line of the subdivision and by substituting instead the punctuation " , " .

AND FURTHER AMEND Section 7 of the printed bill by adding the word " parent" between the words " spouse" and " grandparent" in the first line of the amendatory language.

AND FURTHER AMEND in Section 7 of the printed bill by adding the following language after the word " representative" in the fourth line of the proposed subdivision (a) (2) (B):

and regardless of whether the non-resident is a beneficiary of the estate.

AND FURTHER AMEND in Section 12 of the printed by deleting the second sentence in its entirety.

AND FURTHER AMEND by deleting Section 14 of the printed bill in its entirety and by redesignating the subsequent sections accordingly.

AND FURTHER AMEND by deleting the words and figures " three thousand five hundred dollars (\$3,500)" from Section 15 of the printed bill and substituting in lieu thereof the words and figures " five thousand dollars (\$5,000)" .

AND FURTHER AMEND by deleting the words and figures " three thousand five hundred dollars (\$3,500)" from Section 16 of the printed bill and substituting in lieu thereof the words and figures " five thousand dollars (\$5,000)" .

AND FURTHER AMEND by deleting in Section 16 of the printed bill the language " Section 34-4-405(a)" and by substituting instead the language " Section 45-4-405(a)" .

AND FURTHER AMEND by deleting Section 17 of the printed bill in its entirety and redesignating the subsequent sections.

AND FURTHER AMEND by deleting Section 18 in its entirety and by substituting instead the following new sections:

SECTION 18. Any durable power of attorney for health care properly executed before the effective date of this act shall be enforceable notwithstanding any failure to notarize signatures of witnesses thereto.

SECTION 19. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Fowlkes moved that Senate Bill No. 371, as amended, be passed on third and final consideration.

Rep. Stulce requested that Senate Bill No. 371 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 20** -- Domestic Violence -- Broadens definition of "spousal abuse" to include certain other family members; revises procedures for arrest of person accused of domestic abuse; authorizes seizure of weapons found incident to such arrests. Amends TCA Title 36, Chapter 3; Title 40, Chapter 7. by \*Herron, \*Ridgeway, \*Pinion, \*Curtiss, \*Fitzhugh, \*West, \*Miller L, \*Hassell, \*Tindell, \*DeBerry J, \*Halteman Harwell, \*Lewis, \*Walley, \*Byrd, \*Ford S, \*McMillan, \*Kent, \*Cole (Carter), \*Williams (Williamson), \*Haley (SB774 by \*Haynes).

Further consideration of House Bill No. 20, previously considered on April 10, 1995, at which time the House adopted Amendment No(s). 1 and 2, and reset for today's Calendar.

Rep. Herron moved that House Bill No. 20, as amended, be passed on third and final consideration.

Rep. Jackson moved the previous question, which motion prevailed.

Rep. Herron moved that **House Bill No. 20**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Peach, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 20 and have this statement entered in the Journal: Rep(s). Peach.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 1236 -- Traffic Safety -- Purports to change certain highway speeding offenses by changing present law from is a Class C misdemeanor to shall be a Class C misdemeanor; makes speeding offenses in business, urban or residential districts Class B misdemeanor. Amends TCA Section 55-8-152 and 153. by \*Windle (\*SB1502 by \*Womack).

Further consideration of House Bill No. 1236, previously considered on today's Calendar.

Rep. Windle moved that House Bill No. 1236 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Windle moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1236 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-152(g)(2), is amended by inserting the following language following the last sentence of that section:

However, notwithstanding any provision of the law to the contrary, a violation of the reduced speed limits set by the department of transportation, pursuant to Section 55-8-153, is a Class B misdemeanor, punishable by fine only, when employees of the department of transportation or construction workers are present.

SECTION 2. Tennessee Code Annotated, Section 55-8-153, is amended by adding the following paragraph:

(e) A violation of the speed limits established by the department of transportation, pursuant to subpart (a) of this section shall be a Class B misdemeanor, punishable by fine only, when employees of the department of transportation or construction workers are present. The department of transportation, or its agents, are hereby directed to indicate the presence of workmen or department employees with signs with flashing amber lights; provided, however, that this penalty shall be applicable in highway construction zones only to those speeding violations which have been detected by radar, infrared or similar detection devices.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Windle moved that **House Bill No. 1236**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**\*Senate Bill No. 371** -- Probate Law -- Permits use of printed statements rather than canceled checks in situations in which estate's personal representative is bank, savings and loan association or credit union and in situations in which financial institution used does not return canceled checks; clarifies the types of fiduciaries who may disclaim interest in gift or who may be beneficiary. Amends TCA Title 30; 30-2-601; Title 31; 31-1-103; Title 34; 34-6-203; Title 35; 35-50-107; Titles 45, 67; 45-3-514; 45-4-405; 67-2-110; 67-4-409. by \*Cohen (HB1324 by \*Fowlkes).

Further consideration of Senate Bill No. 371, previously considered on today's Calendar.

Rep. Fowlkes moved that **Senate Bill No. 371**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley,

West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1069** -- Securities -- Expands types of securities in which self insured workers' compensation pools may invest idle funds. Amends TCA 50-6-405, 50-4-210. by \*Kisber (\*SB904 by \*Rochelle).

#### Senate Amendment No. 1

AMEND House Bill No. 1069 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-405(c), is amended by adding the following language:

Notwithstanding any other law or rule to the contrary, funds not needed for current obligations may be invested by the board of trustees in "Tennessee securities" as that term is defined in Section 56-4-210(b). The board of trustees of each workers' compensation pool shall adopt an investment policy. Such policy shall address credit, quality of investments, maximum maturity of investments and such other matters as the board deems appropriate. Real estate investments must be undertaken with approval of the commissioner of the department of commerce and insurance.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1069**, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1217** -- Insurance, Health, Accident -- Deletes requirement that directors or board members of nonprofit hospital service corporations serve without pay and that certain contracts between hospital and at least one board member be competitively bid. TCA Section 56-29-105(d). by \*Rhinehart (\*SB1505 by \*Hamilton).

**Senate Amendment No. 2**

AMEND House Bill No. 1217 by adding the following language to the end of the amendatory language of Section 1(d)(2):

Provided, however, in addition to any such compensation a board member may receive payment for particular services actually rendered (such as legal counsel, medical service, accounting or other required services), upon specific approval of the board of directors, such approval being made a part of the minutes of the board of directors.

**Senate Amendment No. 3**

AMEND House Bill No. 1217 as amended, by deleting the following language from subsection (d) of the amendatory language: " (3) A board member shall not serve past the age of seventy (70)."

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 1217**, which motion prevailed by the following vote:

Ayes .....	73
Noes .....	16
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Langster, McAfee, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Brown, Callicott, Coffey, Cross, DeBerry, L., Duer, Kisber, Lewis, McDaniel, Peach, Ridgeway, Rigsby, Rinks, Westmoreland, Williams (Union), Winningham -- 16.

Representatives present and not voting were: Brooks, White -- 2.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1217 and have this statement entered in the Journal: Rep(s). Haley.

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 1504** -- Land, Agricultural and Open Spaces -- Retains greenbelt classification for property which decreases below 15 acre minimum if decrease in acreage is due to eminent domain. Amends TCA Title 67, Chapter 5, Part 10. by \*Jordan, \*Rochelle (\*HB1134 by \*Callicott, \*Head).

Rep. Callicott moved that the House refuse to recede from in its action in adopting Amendment No. 1 to Senate Bill No. 1504, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 1719** -- Board of Regents -- Adds faculty member to board of regents for three year term; rotates appointments among board of regents institutions. Amends TCA Title 49, Chapter 8, Part 2. by \*Cohen, \*Dixon, \*Crowe (\*HB363 by \*Pinion, \*Herron).

Rep. Pinion requested that Senate Bill No. 1719 be reset to the Message Calendar for Wednesday, April 19, 1995, which motion prevailed.

**UNFINISHED BUSINESS**

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 13, 1995:

**House Joint Resolution No. 5:** by Rep. Purcell.

**BILLS WITHDRAWN**

On motion of Rep. Ritchie, **House Bill No. 1638** was recalled from the State and Local Government Committee and withdrawn from the House.

**RULES SUSPENDED**

Rep. Kisber moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 160 out of order, which motion prevailed.

**Senate Joint Resolution No. 160** -- General Assembly, Joint Conventions -- "Days of Remembrance" ceremony, April 26, 1995. by \*Cohen.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Kisber, the resolution was concurred in.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 50:** Rep(s). Turner(Hamilton) as prime sponsor(s).

**House Bill No. 341:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 1195:** Rep(s). Brown as prime sponsor(s).

**House Bill No. 1280:** Rep(s). Head, Givens, Cole(Dyer), Rhinehart, Napier and Davidson as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Bell was/were removed as sponsor(s) of **House Bill No. 406**.

**REPORT OF CHIEF ENGROSSING CLERK  
April 12, 1995**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 91, 200, 201, 211 and 212.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
April 12, 1995**

The Speaker signed the following: Senate Bill(s) No(s). 19, 307, 515, 758, 833, 1144, 1265, 1466, 1613, 1626 and 1660; also, Senate Joint Resolution(s) No(s). 97, 130, 148, 149, 150, 153 and 159.

**MESSAGE FROM THE SENATE  
April 12, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 75, 1673 and 1708; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 12, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 218; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

April 12, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 42, with his approval.

HARDY MAYS, Counsel to the Governor.

**ENGROSSED BILLS**

April 12, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 20, 651, 747, 886, 1236 and 1355.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

April 12, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 89; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

April 12, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 158, 489, 501, 922 and 1772; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 158** -- Health, Dept. of -- Clarifies that certain boards are under division of health related boards for purpose of enforcing civil penalties imposed by such boards. Amends TCA Title 68, Chapter 1. by \*Haynes.

**Senate Bill No. 489** -- Sunset Laws -- Department of agriculture, June 30, 1998; requires department to prepare report to review audit findings and progress in correcting issues addressed in audit dated 9/94, to be delivered in February 1995 and 1996 to speakers of both houses and to members GOC committees. Amends TCA Title 4, Chapters 3, 29. by \*Haynes.

**\*Senate Bill No. 501** -- Sunset Laws -- Terminates Medicaid drug utilization review board. Amends TCA Title 4, Chapter 29; Title 71, Chapter 5. by \*Haynes.

**\*Senate Bill No. 922** -- Solid Waste Disposal -- Places responsibility in solid waste disposal board rather than commissioner to refuse to issue permit based on past performance. Amends TCA 68-11-106. by \*Womack, \*Burks, \*Springer, \*Crowe.

**Senate Bill No. 1772** -- Human Services, Dept. of -- Authorizes commissioner of human services to implement changes necessary to meet changes in federal welfare reform; requires all state agencies to cooperate with department relevant to federal welfare reform. Amends TCA. by \*Rice, \*Elsea, \*Carter, \*Jordan, \*McNally, \*Atchley, \*Miller J, \*Fowler.

ROLL CALL

The roll call was taken with the following results:

Present ..... 92

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 13, 1995.